

Texas Indigent Defense Commission Legislative Policy

General. Legislative actions to be undertaken by the Texas Indigent Defense Commission (Commission) shall be limited to those that conform to the Commission legislative policy and applicable law. The Commission provides recommendations for legislative and other changes to the indigent defense system under authority of Section 71.061, Government Code, which provides in part:

§ 79.035. COUNTY REPORTING PLAN; COMMISSION REPORTS.

...

(b) The commission shall annually submit to the governor, lieutenant governor, speaker of the house of representatives, and council and shall publish in written and electronic form a report:

- (1) containing the information submitted under Section 79.036; and
- (2) regarding:
 - (A) the quality of legal representation provided by counsel appointed to represent indigent defendants;
 - (B) current indigent defense practices in the state as compared to state and national standards;
 - (C) efforts made by the commission to improve indigent defense practices in the state; and
 - (D) recommendations made by the commission for improving indigent defense practices in the state; and
 - (E) the findings of a report submitted to the commission under Section 79.039.

The terms "legislation" or "legislative proposal," when used in this policy, shall be construed to mean any existing or proposed statute, rule, or regulation of the State of Texas or the United States or of any department or agency of the United States or the State of Texas. The terms "legislative position" or "legislative action" shall mean the legislative action taken or proposed to be taken by the Commission with respect to legislative proposals.

Criteria. The Commission, when acting within the scope of its authority under this policy in deciding whether to recommend, support, remain neutral, or oppose proposed legislation or to initiate any legislative action in either house of the Texas Legislature, in the United States Congress, or before any department or agency of the United States or the State of Texas shall, in addition to the policy considerations set forth in this Section, determine that the proposed legislation or legislative action conforms in all material respects to the following criteria:

- A. The proposed legislation or legislative action falls within the purposes, expressed or implied, of the Commission as provided in the Fair Defense Act.
- B. Adequate notice and opportunity has been afforded for the presentation of opposing opinions and views.
- C. The proposed legislation or legislative action is in the public interest.
- D. The proposed legislation or legislative action is not designed to promote or impede the political candidacy of any person or party or to promote a partisan political purpose.

Policies and Standards Committee.

- A. The Policies and Standards Committee of the Commission will meet as often as necessary to develop recommendations to the Commission for the Commission to initiate legislative action in accordance with this policy.
- B. The Policies and Standards Committee may create a workgroup to assist it in developing legislative proposals.
- C. The Policies and Standards Committee shall include in its recommendations to the Commission legislative positions approved by a majority vote of the Policies and Standards Committee members present and voting.
- D. The Policies and Standards Committee shall also have the authority to draft and submit to the Commission proposed legislation that it recommends to the Commission.

Approval of Legislative Proposals by Commission.

- A. The Commission shall consider all legislative proposals recommended by the Policies and Standards Committee. The Commission shall also consider any legislative proposals submitted by any member of the Commission.
- B. The Commission may not propose legislation unless it has been approved by a two-thirds vote of the Commission members present and voting at the meeting at which it is considered.
- C. The Commission may also by two-thirds vote of the Commission members present and voting take positions supporting, opposing, or remaining neutral on pending legislation. Failure to receive the necessary majority vote to support or remain neutral on the proposed legislation shall not be construed as adoption of a position to oppose that legislation. Legislative positions may be altered, amended, or withdrawn by a majority vote of the Commission present at a meeting.

Legislative Action by Commission.

- A. Legislative proposals and legislative action approved by the Commission shall be published in the Commission's *Annual Report*.
- B. The Director shall, in cooperation with the Commission, seek legislative sponsors for all approved legislative proposals. The Director or designee shall also appear or find an appropriate representative to appear before the Texas Legislature to explain each legislative proposal approved by the Commission and to conduct such related activities and provide such additional information as may be required; however, no representative of the Commission or any section thereof shall appear before the Legislature or any committee or member of the Legislature in the pursuit of any legislative action authorized by the Commission without complying with all applicable laws of the State of Texas.

Director to Administer Legislative Program.

- A. The Director shall coordinate and administer the legislative programs and activities of the Commission and shall, together with the Special Counsel, monitor the Commission's legislative program as well as pending legislation that may have an impact on the Commission.

- B. The Director shall monitor the time frame in which the Commission's legislative program is to be developed and shall make recommendations concerning the legislative timetable to the Commission.
- C. The Director shall assist and advise the Commission in the development of the Commission's legislative program.
- D. The Director shall have a copy of each item of proposed legislation prepared and forwarded to each member of the Policies and Standards Committee in the meeting packet prior to its next meeting.
- E. The Director or designee shall assist the Policies and Standards Committee in the submission of its written report or recommendations to the Commission. A copy of the Policies and Standards Committee's report shall be forwarded to each member of the Commission in the meeting packet prior to the meeting at which the Commission is to consider the Policies and Standards Committee recommendations. The report shall contain a copy of each legislative proposal and the rationale for the Policies and Standards Committee's recommendation, as well as the rationale of any known objections.
- F. The Director shall provide copies of all legislative proposals approved by the Commission to the Executive Director of the Texas Judicial Council and the Texas Judicial Council at its next regularly scheduled meeting.